

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

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LANCE REBERGER, )  
Plaintiff, ) 3:13-cv-00590-RCJ-VPC  
vs. )  
ALL ESP CULINARY PERSONNEL et al., ) **ORDER**  
Defendants. )  
\_\_\_\_\_  
)

On July 31, 2014, the Court denied Plaintiff's motions for preliminary injunctive relief concerning his prison diet. Plaintiff asked the Court to reconsider on October 31, 2014. The motion is untimely under Rule 59(e) and must therefore be considered under Rule 60(b). *See, e.g., Mount Graham Red Squirrel v. Madigan*, 954 F.2d 1441, 1462–63 n.35 (9th Cir. 1992). Plaintiff identifies no inadvertence, fraud, or other basis for relief under the rule but simply reargues his motion.

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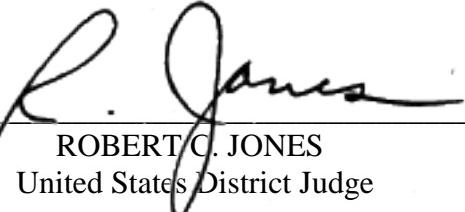
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**CONCLUSION**

IT IS HEREBY ORDERED that the Motion to Reconsider (ECF No. 47) is DENIED.

IT IS SO ORDERED.

Dated this 9th day of January, 2015.



ROBERT C. JONES  
United States District Judge